

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

PETER NEWSOME AND STEPHANIE
NEWSOME,

Plaintiffs,

vs.

COUNTRYWIDE HOME LOANS, INC.
DBA AMERICA'S WHOLESALE LENDER,
MORTGAGE ELECTRONIC
REGISTRATIONS SYSTEMS, INC.,
BANKERS ALLIANCE INC., JULIE
WHITESIDE, and DOES 1-20, inclusive,

Defendants.

Case No: C 09-5288 SBA

**ORDER ACCEPTING REPORT
AND RECOMMENDATION OF
MAGISTRATE JUDGE**

Dkt. 121, 136, 148

The Court previously referred Plaintiffs' Second Application for Default Judgment (Dkt. 121) and Julie Whiteside's pro se Motion to Set Aside Default (Dkt. 136) to Magistrate Judge Nandor Vadas ("the Magistrate") for a report and recommendation. (Dkt. 122, 139.)

On February 28, 2013, the Magistrate issued a report and recommendation in which he recommended that: "(1) Whiteside's motion to set aside entry of default be granted; (2) Plaintiffs' motion for default judgment against Julie Whiteside be denied; and (3) Plaintiffs' motion for default judgment against Bankers' Alliance be denied without prejudice." (Dkt. 148 at 1.)

Any objections to a report and recommendation must be filed within fourteen days of receipt thereof. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); Civ. L.R. 72-2, 72-3. The district court must "make a de novo determination of those portions of the report to which objection is made," and "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); see also Civ. L.R.


1 72-3(a) (requiring that any objections be accompanied by a motion for de novo
2 determination). The deadline to file an objection to the report and recommendation was
3 March 14, 2013. See Fed. R. Civ. P. 6(a)(1), 72(b). To date, no objections have been filed
4 in this case.

5 In the absence of a timely objection, the Court “need only satisfy itself that there is
6 no clear error on the face of the record in order to accept the recommendation.” Fed. R.
7 Civ. P. 72, Advisory Committee Notes (1983) (citing Campbell v. U.S. Dist. Court, 501
8 F.2d 196, 206 (9th Cir. 1974)); see also United States v. Reyna-Tapia, 328 F.3d 1114, 1121
9 (9th Cir. 2003) (“The statute [28 U.S.C. § 636(b)(1)(C)] makes it clear that the district
10 judge must review the magistrate judge’s findings and recommendations de novo *if [an]*
11 *objection is made*, but not otherwise.”) (en banc). The Court has reviewed the record on its
12 face and finds no clear error. Accordingly,

13 IT IS HEREBY ORDERED THAT the magistrate judge’s report and
14 recommendation (Dkt. 148) is ACCEPTED and shall become the Order of this Court.
15 Thus, Defendant Julie Whiteside’s motion to set aside entry of default is
16 GRANTED; Plaintiffs’ motion for default judgment against Julie Whiteside is DENIED;
17 and (3) Plaintiffs’ motion for default judgment against Bankers’ Alliance is DENIED
18 without prejudice. The Clerk shall terminate Docket 121, 136 and 148.

19 IT IS SO ORDERED.

20 Dated: March 20, 2013


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 PETER AND STEPHANIE NEWSOM et al,

5 Plaintiff,

6 v.

7 COUNTRYWIDE HOME LOANS INC et al,

8 Defendant.
9 _____/

10 Case Number: CV09-05288 SBA

11 **CERTIFICATE OF SERVICE**

12
13 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
14 Court, Northern District of California.

15 That on March 21, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said
16 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
17 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
18 located in the Clerk's office.

19
20 Julie Whiteside
21 1212 Sterns Drive
22 Los Angeles, CA 90035

23 Dated: March 21, 2013

24 Richard W. Wieking, Clerk
25 By: Lisa Clark, Deputy Clerk
26
27
28